

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DEBORAH MARTIN,)
)
Plaintiff,)
)
v.) No. 4:04-CV-1669 CAS
)
)
JO ANNE B. BARNHART, Commissioner)
of Social Security,)
)
Defendant.)

ORDER

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Terry I. Adelman, filed December 16, 2005. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the decision of the Commissioner be affirmed and that claimant's complaint be dismissed for lack of jurisdiction.

Plaintiff filed an objection to the recommendation, but did not address her failure to timely request a hearing before the Administrative Law Judge.

After de novo review of the matter, the Court concurs with the recommendation of the Magistrate Judge for the reasons set forth in the thorough and well-reasoned Report and Recommendation.

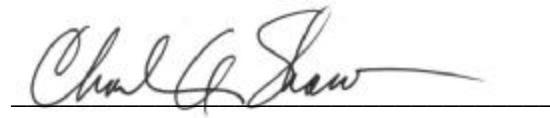
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 15]

IT IS FURTHER ORDERED that the decision of the Commissioner is **AFFIRMED**

and this case is dismissed for lack of jurisdiction.

An appropriate judgment will accompany this order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 28th day of December, 2005.

